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May 19, 2022

VIA ECF FILING

Hon. Joanna Seybert
United States District Judge
Eastern District of New York
United States District Court
100 Federal Plaza Courtroom 1030
Central Islip, New York 11722

Re: **Friends of the East Hampton Airport, Inc., et al. v. Town of East Hampton**
Case No. 15-cv-2246-JS-ARL

Dear Honorable Judge Seybert:

As you are aware, the undersigned represents Sound Aircraft Services, Inc. ("Sound"), a named Plaintiff in the above captioned matter. We appeared before your honor earlier this week to advise the Court as to Sound's position with respect to the recent filings in the instant matter. Today, Sound filed applications to intervene in the related matters pending in New York Supreme Court for Suffolk County before Justice Baisley. Courtesy copies of those filings are enclosed herewith.

Respectfully,

A handwritten signature in blue ink, appearing to read "Alison L. Squiccimarro".

Alison L. Squiccimarro

cc: Counsel of Record via ECF

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

In the Matter of the Application of:

Index No. 602802/2022

BLADE AIR MOBILITY, INC., BONNIE
BRADY, THOMAS DEAN, JASON DELAND,
LISA DEVEGLIO, MICHAEL DONNELLY,
RUSSELL MUSON, and ALICIA WHITAKER,

Hon. Paul J. Baisley, J.S.C.

Petitioners.

For an Order and Judgment Pursuant to CPLR
Article 78

**[PROPOSED] ORDER TO
SHOW CAUSE**

-against-

TOWN OF EAST HAMPTON, TOWN BOARD,
OF THE TOWN OF EAST HAMPTON, and
PETER VAN SCOYOC, in his official capacity as
EAST HAMPTON TOWN SUPERVISOR

Respondents.

UPON reading the annexed Affidavit of Steven Tuma, dated May ___, 2022 and the exhibits annexed thereto, the accompanying Affirmation of Urgency in Support of Intervenor's Order to Show Cause, and upon all of the pleadings and proceedings heretofore and herein, and sufficient cause having been shown,

LET Intervenor, by its attorneys, show cause before this Court at IAS Part 36, of the Supreme Court of the State of New York, County of Suffolk, to be held at the Court, located at 1 Court Street, Riverhead, New York, Room _____ on May ____, 2022 at 10:00 o'clock a.m. or as soon thereafter as counsel may be heard, why an order should not be entered pursuant to Article

7082(d) of the Civil Practice Law and Rules permitting Sound Aircraft Services, Inc. to intervene in the within matter.

Sufficient cause appearing therefore, it is hereby

ORDERED that opposition papers, if any, are to be served upon Intervenor's counsel via e-filing on or before the ____ day of May, 2022; and it is further;

ORDERED that reply papers, if any, shall be served upon Petitioner and Respondent's counsel via e-filing on or before the ____ day of May, 2022; and it is further;

ORDERED that service of a copy of this order and the papers upon which it is based be made on or before the ____ day of May, 2022 by e-filing same, and that such service shall be deemed good and sufficient notice of this application; and

ORDERED that during the pendency of the within application that Sound Aircraft Service, Inc. receive timely notice by service on its respective counsel of all proceedings in the within matter.

Hon. Paul J. Baisley, Jr.



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The NYSCEF website has received an electronic filing on 05/19/2022 04:38 PM. Please keep this notice as a confirmation of this filing.

602801/2022

The Coalition to Keep East Hampton Airport Open, Ltd. et al v. Town of East Hampton, New York

Assigned Judge: Paul J Baisley

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OF THE TOWN OF EAST HAMPTON, and)
PETER VAN SCOYOC, in his official capacity as)
EAST HAMPTON TOWN SUPERVISOR)

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Respondents.)
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**AFFIRMATION OF URGENCY IN SUPPORT OF INTERVENOR'S ORDER TO SHOW
CAUSE**

ALISON L. SQUICCIMARRO, an attorney duly admitted to practice law in the courts of this state, hereby affirms under the penalty of perjury, pursuant to CPLR 2106, that the following is true and correct:

1. I am associated with the Law Offices of Paul A. Lange, LLC, with offices located at 445 Park Ave., 9th Floor, New York, NY 10022-8632, and am duly licensed to practice law in the State of New York. My firm represents Sound Aircraft Services, Inc. (“Sound”).
2. I submit this affirmation in support of Intervenor’s application by order to show cause for intervention in the within matter.
3. I am fully familiar with the facts and circumstances of this case. The following statements are based on my personal knowledge, that of the attorneys in my firm, and information provided by my clients based on their personal knowledge.
4. Pursuant to CPLR 7802(d), proposed intervenor Sound respectfully seeks and Order permitting it to intervene in this matter, receive notice and to be heard as appropriate.

Legal Standard

5. CPLR §7802(d) is the specific provision governing intervention in CPLR article 78 proceedings. Elinor Homes Co. v. St. Lawrence, 113 A.D.2d 25, 494 N.Y.S. 2d 889 (2d Dept., 1985).
6. CPLR §7802(d) provides: “Other interested persons. The court may direct that notice of the proceeding be given to any person. It may allow other interested persons to intervene.”
7. CPLR §7802(d) “grants the court broader power to allow intervention in an article 78 proceeding than is provided pursuant to either CPLR 1012 or 1013 in an action.” Elinor Homes Co. v. St. Lawrence, 113 A.D.2d at 28.

8. “The court has discretion to allow intervention in a CPLR article 78 proceeding at any time, provided the movant is an interested person.” Elinor Homes Co. v. St. Lawrence, 113 A.D.2d at 28 (citing Siegel, NY Prac §564 (1978)).

Factual Allegations

9. As detailed more fully in the accompanying Affidavit of Steve Tuma simultaneously served and filed (“Tuma Aff.”), Sound is a long-standing tenant at East Hampton Airport (the “Airport”) and has operated as a Fixed Based Operator (“FBO”) for over thirty (30) years. Tuma Aff, ¶1.
10. Sound is the sole provider of aviation services to aircraft at the Airport. Id. ¶4, Sound is entirely reliant on an operational airport for the very existence of its business. Id., ¶6. There are no other airports from which Sound operates. Id., ¶5.
11. An extended closure of the Airport for the duration of these proceedings would, at a minimum, significantly harm Sound’s business. Id., ¶12. A permanent closure of the Airport by the Town would most definitely be fatal. Id., ¶12.
12. This Court’s Monday, May 17, 2022 Temporary Restraining Orders in the three related matters substantially impact Sound. Id., ¶14. The nighttime May 17, 2022, letter from the Federal Aviation Administration (“FAA”) to Respondent Town of East Hampton (“Town”) (“FAA Letter”) further impacts Sound for a variety of articulated safety reasons. The Town’s May 18, 2022 Emergency Motion to Vacate or Modify TRO further frames the impacts of this Court’s Orders, and especially the implementation of those Orders, following issuance of the FAA’s letter. Id., ¶16-18.
13. The Court’s Orders, the FAA Letter and future actions of this Court have the potential for significant impacts upon Sound including, but not limited to, what type of operations

should be expected at the Airport and ensuring that Sound has the personnel and resources to provide services for the operations that are anticipated at the Airport.

Argument


14. As detailed herein and in the accompanying Tuma Aff., Sound is an interested party. What occurs at the Airport has very real and substantial consequences on Sound. In particular, Sound must be ready and able to provide the required services at the Airport pursuant to its lease with the Town. Being ready and able to provide the services, means that Sound must have the equipment, resources and personnel to provide the required services.
15. The uncertainty and confusion regarding the status of the Airport and operations anticipated at the Airport create substantial difficulties for Sound in planning for the equipment, resources and personnel.
16. The foregoing demonstrates that Sound is an interested party who should receive notice of the proceedings and have an opportunity to be heard if its interests are implicated.
17. Allowing Sound to intervene in the above captioned matter will not delay proceedings and no party could claim prejudice for allowing Sound to receive notice and be heard on matters relating to the continued viability of its business.
18. As this matter is rapidly developing with orders to show cause being presented almost daily on a variety of issues, Sound respectfully requests that this matter be addressed urgently.

Conclusion

19. For each the foregoing reasons and those set forth in the accompanying Tuma Aff, Sound respectfully requests that the Court grant the instant application and allow Sound to intervene in the above captioned matter, receive notice going forward and have an

opportunity to be heard regarding matters that directly impact Sound's continued viability as the sole provider of FBO services at the Airport.

Dated: May 19, 2022


Alison L. Squicciarro



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STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

STEVE TUMA, being duly sworn, deposes and says:

1. I am the President and Chief Executive Officer of Sound Aircraft Services Inc. ("Sound"). Sound started operations at East Hampton Airport (the "Airport") in July of 1990 and expanded to offer fixed-based-operator ("FBO") services on or about 1995.
2. I make this Affidavit in support of Sound's application to intervene in the above captioned matter so that it will receive notice of and have an opportunity to be heard at future proceedings in this matter.
3. I am a lifelong resident of the Town of East Hampton (the "Town").
4. Sound is currently a tenant at the Airport and has a Lease and Operating Agreement with the Town. Sound is the sole provider of these services at the Airport.
5. Sound does not operate at any other airport.
6. Sound's continued existence is dependent on an operational Airport.
7. The Lease and Operating Agreement with the Town requires that Sound provide fuel, line service, and passenger handling services ("required services") at the Airport.
8. The equipment, resources and personnel required for Sound to provide the required services varies by the anticipated operations and demands at the Airport. Simply stated, changes in the number of operations at the Airport dramatically impact the demands placed on Sound in terms of having the equipment, resources, and personnel to meet the demands of increased operations. Likewise, a significant reduction or elimination of operations at the Airport will impact Sound because it will not have the revenue to support the equipment, resources and personnel on hand. Depending on the significance of the change in demands, time may be required to adjust to meet the needs of the Airport and remain compliant with the terms of the Lease.

9. Presently, Sound and I support the Town's efforts to close the Airport temporarily for thirty-three (33) hours and reopen as JPX a private use airport where the Town can implement a Private Permission Required system for operations.
10. The Town has convinced me that it is sincere in its actions and that its efforts to implement a Private Permission Required system for operations will lead to a sustainable solution whereby the Airport will continue to operate and be able to sustain itself for years to come.
11. The Town has previously made clear that if it is unable to find a sustainable solution it will close the Airport.
12. Should the Airport close permanently or for an extended period of time it will directly and substantially impact Sound's business and its continuing viability.
13. Based on the Town's plans, I have engaged in extensive business planning to ensure the continued compliance with my Lease and Operating Agreement with the Town and to keep my business viable through this transition.
14. The Temporary Restraining Order issued by this Court earlier this week has led to confusion and uncertainty and placed strain on Sound's efforts to ensure the resources to meet the needs of the Airport.
15. In addition to managing the quickly changing requirements and demands, over the last three (3) days Sound has been forced to deal with an onslaught of calls from its customers seeking clarity on whether they can safely and legally operate from the Airport.
16. In direct response to the Temporary Restraining Orders, on May 17, 2022, the Federal Aviation Administration ("FAA") wrote a letter to the Town ("FAA May 17, 2022 Letter"). A true and accurate copy of the FAA May 17, 2022 Letter is annexed hereto as Attachment 1.
17. The FAA May 17, 2022 Letter states "... the paramount concern of the FAA is assuring aviation safety, including during the process of the activation or deactivation of an airport pursuant to 14 CFR part 157. The deactivation of East Hampton airport is a process that cannot

be quickly, and more importantly safely stopped, or undone, by the FAA, as certain steps have already been taken...". *See* FAA May 17, 2022 Letter at paragraph 2.


18. The FAA May 17, 2022 Letter further states "As a result of the actions already taken and processes in place, the FAA has significant concern that the Court and the parties have introduced a major safety issue into this complex airspace system." *See* FAA May 17, 2022 Letter at paragraph 8.

19. Sound has an interest in the above captioned matter to the extent that it implicates the future of the Airport, Sound's leasehold interest, and the future operation of Sound's business.

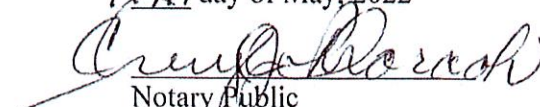
20. Sound's interest differs from the Town's interests because Sound has a leasehold interest and is a private business dependent on the continuing operation of the premises as an Airport.

21. Sound's interest differs from Petitioners in that Sound is the sole operating FBO at the Airport and is responsible for providing all services to aircraft at the Airport.

22. For the foregoing reasons, I respectfully request that Sound be permitted to intervene in the within matter such that it will receive notice of future proceedings and have an opportunity to be heard on such matters as they relate to Sound's ongoing business at the Airport.


STEVE TUMA

Sworn before me this
17th day of May, 2022


Notary Public

Cheryl J. Pharaoh
Notary Public-State of New York
No. 01PH6181999
Qualified in Suffolk County
My Commission Expires Feb. 11, 2024



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PETER VAN SCOYOC, in his official capacity as)
EAST HAMPTON TOWN SUPERVISOR)
)
Respondents.)
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AFFIRMATION OF SERVICE

Alison L. Squicciarro, an attorney duly admitted to practice before the courts of the State of New York, states the following under penalty of perjury:

1. I am associated with the Law Offices of Paul A. Lange, LLC, counsel to Sound Aircraft Services, Inc.;
2. that on the 19th day of May, 2022, I served the within **ORDER TO SHOW CAUSE, AFFIRMATION OF URGENCY IN SUPPORT OF INTERVENOR'S ORDER TO SHOW CAUSE, AND AFFIDAVIT OF STEVE TUMA IN SUPPORT OF APPLICATION FOR INTERVENTION OF SOUND AIRCRAFT SERVICES,**

INC. IN THE ABOVE CAPTIONED MATTER by emailing a true and accurate copy
to:

Randy M. Mastro, Esq.
Orin Snyder, Esq.
Gabriel Herrmann, Esq.
Harris M. Mufson, Esq.
Akiva Shapiro, Esq.
Paul J. Kremer, Esq.
Declan T. Conroy, Esq.
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1. I am over the age of 18 and not a party to this action.


Alison L. Squicciarro



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STEVEN C. RUSSO - russos@gtlaw.com
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Alison Squicciarro - als@lopal.com

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

In the Matter of the Application of:)

Index No. 602801/2022

)
)
The Coalition to Keep East Hampton Airport)
Open, Ltd., Andrew Sabin, Michael Mancuso,)
Edmond Chakmakian, Kelly Bloss, Jennifer Faga,)
Robert Aspenleiter, Thomas Griffin, Douglas)
Donaldson, Harry Ellis, and Dr. George)
Dempsey,)

Hon. Paul J. Baisley, J.S.C.

)
)
Petitioners.)

**[PROPOSED] ORDER TO
SHOW CAUSE**

)
For a Judgment Pursuant to CPLR Article 78)

)
-against-)

)
TOWN OF EAST HAMPTON)

)
)
Respondents.)
)
)
-----)

UPON reading the annexed Affidavit of Steven Tuma, dated May ___, 2022 and the exhibits annexed thereto, the accompanying Affirmation of Urgency in Support of Intervenor's Order to Show Cause, and upon all of the pleadings and proceedings heretofore and herein, and sufficient cause having been shown,

LET Intervenor, by its attorneys, show cause before this Court at IAS Part 36, of the Supreme Court of the State of New York, County of Suffolk, to be held at the Court, located at 1 Court Street, Riverhead, New York, Room _____ on May ___, 2022 at 10:00 o'clock a.m. or as soon thereafter as counsel may be heard, why an order should not be entered pursuant to Article 7082(d) of the Civil Practice Law and Rules permitting Sound Aircraft Services, Inc. to intervene in the within matter.

Sufficient cause appearing therefore, it is hereby

ORDERED that opposition papers, if any, are to be served upon Intervenor's counsel via e-filing on or before the ____ day of May, 2022; and it is further;

ORDERED that reply papers, if any, shall be served upon Petitioner and Respondent's counsel via e-filing on or before the ____ day of May, 2022; and it is further;

ORDERED that service of a copy of this order and the papers upon which it is based be made on or before the ____ day of May, 2022 by e-filing same, and that such service shall be deemed good and sufficient notice of this application; and

ORDERED that during the pendency of the within application that Sound Aircraft Service, Inc. receive timely notice by service on its respective counsel of all proceedings in the within matter.

Hon. Paul J. Baisley, Jr.



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The Coalition to Keep East Hampton Airport Open, Ltd. et al v. Town of East Hampton, New York

Assigned Judge: Paul J Baisley

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For a Judgment Pursuant to CPLR Article 78)	
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-against-)	
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TOWN OF EAST HAMPTON)	
)	
Respondents.)	
)	
)	
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**AFFIRMATION OF URGENCY IN SUPPORT OF INTERVENOR'S ORDER TO SHOW
CAUSE**

ALISON L. SQUICCIMARRO, an attorney duly admitted to practice law in the courts of this state, hereby affirms under the penalty of perjury, pursuant to CPLR 2106, that the following is true and correct:

1. I am associated with the Law Offices of Paul A. Lange, LLC, with offices located at 445 Park Ave., 9th Floor, New York, NY 10022-8632, and am duly licensed to practice law in the State of New York. My firm represents Sound Aircraft Services, Inc. (“Sound”).
2. I submit this affirmation in support of Intervenor’s application by order to show cause for intervention in the within matter.
3. I am fully familiar with the facts and circumstances of this case. The following statements are based on my personal knowledge, that of the attorneys in my firm, and information provided by my clients based on their personal knowledge.
4. Pursuant to CPLR 7802(d), proposed intervenor Sound respectfully seeks and Order permitting it to intervene in this matter, receive notice and to be heard as appropriate.

Legal Standard

5. CPLR §7802(d) is the specific provision governing intervention in CPLR article 78 proceedings. Elinor Homes Co. v. St. Lawrence, 113 A.D.2d 25, 494 N.Y.S. 2d 889 (2d Dept., 1985).
6. CPLR §7802(d) provides: “Other interested persons. The court may direct that notice of the proceeding be given to any person. It may allow other interested persons to intervene.”
7. CPLR §7802(d) “grants the court broader power to allow intervention in an article 78 proceeding than is provided pursuant to either CPLR 1012 or 1013 in an action.” Elinor Homes Co. v. St. Lawrence, 113 A.D.2d at 28.

8. “The court has discretion to allow intervention in a CPLR article 78 proceeding at any time, provided the movant is an interested person.” Elinor Homes Co. v. St. Lawrence, 113 A.D.2d at 28 (citing Siegel, NY Prac §564 (1978)).

Factual Allegations

9. As detailed more fully in the accompanying Affidavit of Steve Tuma simultaneously served and filed (“Tuma Aff.”), Sound is a long-standing tenant at East Hampton Airport (the “Airport”) and has operated as a Fixed Based Operator (“FBO”) for over thirty (30) years. Tuma Aff, ¶1.
10. Sound is the sole provider of aviation services to aircraft at the Airport. Id. ¶4, Sound is entirely reliant on an operational airport for the very existence of its business. Id., ¶6. There are no other airports from which Sound operates. Id., ¶5.
11. An extended closure of the Airport for the duration of these proceedings would, at a minimum, significantly harm Sound’s business. Id., ¶12. A permanent closure of the Airport by the Town would most definitely be fatal. Id., ¶12.
12. This Court’s Monday, May 17, 2022 Temporary Restraining Orders in the three related matters substantially impact Sound. Id., ¶14. The nighttime May 17, 2022, letter from the Federal Aviation Administration (“FAA”) to Respondent Town of East Hampton (“Town”) (“FAA Letter”) further impacts Sound for a variety of articulated safety reasons. The Town’s May 18, 2022 Emergency Motion to Vacate or Modify TRO further frames the impacts of this Court’s Orders, and especially the implementation of those Orders, following issuance of the FAA’s letter. Id., ¶16-18.
13. The Court’s Orders, the FAA Letter and future actions of this Court have the potential for significant impacts upon Sound including, but not limited to, what type of operations

should be expected at the Airport and ensuring that Sound has the personnel and resources to provide services for the operations that are anticipated at the Airport.

Argument

14. As detailed herein and in the accompanying Tuma Aff., Sound is an interested party. What occurs at the Airport has very real and substantial consequences on Sound. In particular, Sound must be ready and able to provide the required services at the Airport pursuant to its lease with the Town. Being ready and able to provide the services, means that Sound must have the equipment, resources and personnel to provide the required services.
15. The uncertainty and confusion regarding the status of the Airport and operations anticipated at the Airport create substantial difficulties for Sound in planning for the equipment, resources and personnel.
16. The foregoing demonstrates that Sound is an interested party who should receive notice of the proceedings and have an opportunity to be heard if its interests are implicated.
17. Allowing Sound to intervene in the above captioned matter will not delay proceedings and no party could claim prejudice for allowing Sound to receive notice and be heard on matters relating to the continued viability of its business.
18. As this matter is rapidly developing with orders to show cause being presented almost daily on a variety of issues, Sound respectfully requests that this matter be addressed urgently.

Conclusion

19. For each the foregoing reasons and those set forth in the accompanying Tuma Aff, Sound respectfully requests that the Court grant the instant application and allow Sound to intervene in the above captioned matter, receive notice going forward and have an

opportunity to be heard regarding matters that directly impact Sound's continued viability as the sole provider of FBO services at the Airport.

Dated: May 19, 2022


Alison L. Squicciarro



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Petitioners.)
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For a Judgment Pursuant to CPLR Article 78)
)
-against-)
)
TOWN OF EAST HAMPTON)
)
Respondents.)
)
-----)	

**AFFIDAVIT OF STEVE TUMA IN SUPPORT OF APPLICATION FOR
INTERVENTION OF SOUND AIRCRAFT SERVICES, INC. IN THE ABOVE
CAPTIONED MATTER**

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

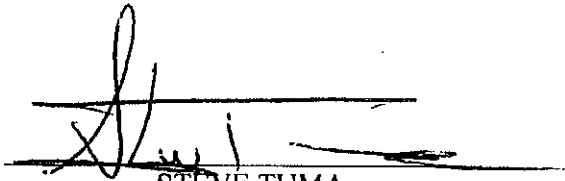
STEVE TUMA, being duly sworn, deposes and says:

1. I am the President and Chief Executive Officer of Sound Aircraft Services Inc. (“Sound”). Sound started operations at East Hampton Airport (the “Airport”) in July of 1990 and expanded to offer fixed-based-operator (“FBO”) services on or about 1995.
2. I make this Affidavit in support of Sound’s application to intervene in the above captioned matter so that it will receive notice of and have an opportunity to be heard at future proceedings in this matter.
3. I am a lifelong resident of the Town of East Hampton (the “Town”).
4. Sound is currently a tenant at the Airport and has a Lease and Operating Agreement with the Town. Sound is the sole provider of these services at the Airport.
5. Sound does not operate at any other airport.
6. Sound’s continued existence is dependent on an operational Airport.
7. The Lease and Operating Agreement with the Town requires that Sound provide fuel, line service, and passenger handling services (“required services”) at the Airport.
8. The equipment, resources and personnel required for Sound to provide the required services varies by the anticipated operations and demands at the Airport. Simply stated, changes in the number of operations at the Airport dramatically impact the demands placed on Sound in terms of having the equipment, resources, and personnel to meet the demands of increased operations. Likewise, a significant reduction or elimination of operations at the Airport will impact Sound because it will not have the revenue to support the equipment, resources and personnel on hand. Depending on the significance of the change in demands, time may be required to adjust to meet the needs of the Airport and remain compliant with the terms of the Lease.


9. Presently, Sound and I support the Town's efforts to close the Airport temporarily for thirty-three (33) hours and reopen as JPX a private use airport where the Town can implement a Private Permission Required system for operations.
10. The Town has convinced me that it is sincere in its actions and that its efforts to implement a Private Permission Required system for operations will lead to a sustainable solution whereby the Airport will continue to operate and be able to sustain itself for years to come.
11. The Town has previously made clear that if it is unable to find a sustainable solution it will close the Airport.
12. Should the Airport close permanently or for an extended period of time it will directly and substantially impact Sound's business and its continuing viability.
13. Based on the Town's plans, I have engaged in extensive business planning to ensure the continued compliance with my Lease and Operating Agreement with the Town and to keep my business viable through this transition.
14. The Temporary Restraining Order issued by this Court earlier this week has led to confusion and uncertainty and placed strain on Sound's efforts to ensure the resources to meet the needs of the Airport.
15. In addition to managing the quickly changing requirements and demands, over the last three (3) days Sound has been forced to deal with an onslaught of calls from its customers seeking clarity on whether they can safely and legally operate from the Airport.
16. In direct response to the Temporary Restraining Orders, on May 17, 2022, the Federal Aviation Administration ("FAA") wrote a letter to the Town ("FAA May 17, 2022 Letter"). A true and accurate copy of the FAA May 17, 2022 Letter is annexed hereto as Attachment 1.
17. The FAA May 17, 2022 Letter states "... the paramount concern of the FAA is assuring aviation safety, including during the process of the activation or deactivation of an airport pursuant to 14 CFR part 157. The deactivation of East Hampton airport is a process that cannot

be quickly, and more importantly safely stopped, or undone, by the FAA, as certain steps have already been taken...". See FAA May 17, 2022 Letter at paragraph 2.

18. The FAA May 17, 2022 Letter further states "As a result of the actions already taken and processes in place, the FAA has significant concern that the Court and the parties have introduced a major safety issue into this complex airspace system." See FAA May 17, 2022 Letter at paragraph 8.
19. Sound has an interest in the above captioned matter to the extent that it implicates the future of the Airport, Sound's leasehold interest, and the future operation of Sound's business.
20. Sound's interest differs from the Town's interests because Sound has a leasehold interest and is a private business dependent on the continuing operation of the premises as an Airport.
21. Sound's interest differs from Petitioners in that Sound is the sole operating FBO at the Airport and is responsible for providing all services to aircraft at the Airport.
22. For the foregoing reasons, I respectfully request that Sound be permitted to intervene in the within matter such that it will receive notice of future proceedings and have an opportunity to be heard on such matters as they relate to Sound's ongoing business at the Airport.


STEVE TUMA

Sworn before me this
17th day of May, 2022


Notary Public

Cheryl J. Pharaoh
Notary Public-State of New York
No. 01PH6181999
Qualified in Suffolk County
My Commission Expires Feb. 11, 2024



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AFFIRMATION OF SERVICE

Alison L. Squicciarro, an attorney duly admitted to practice before the courts of the State of New York, states the following under penalty of perjury:

1. I am associated with the Law Offices of Paul A. Lange, LLC, counsel to Sound Aircraft Services, Inc.;

2. that on the 19th day of May, 2022, I served the within **ORDER TO SHOW CAUSE,**

AFFIRMATION OF URGENCY IN SUPPORT OF INTERVENOR'S ORDER TO

SHOW CAUSE, AND AFFIDAVIT OF STEVE TUMA IN SUPPORT OF

APPLICATION FOR INTERVENTION OF SOUND AIRCRAFT SERVICES,

INC. IN THE ABOVE CAPTIONED MATTER by emailing a true and accurate copy

to:

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Adam Kirschbaum, Esq.
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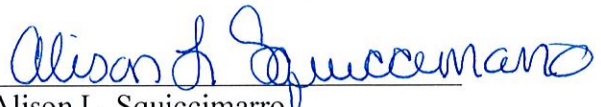
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Nicholas Rigano, Esq.
Attorney for Respondent
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Melville, NY 11747
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3. I am over the age of 18 and not a party to this action.


Alison L. Squicciarro



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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----)	
In the Matter of the Application of:) Index No. 602799/2022
)
East End Hangars, Inc., Hampton Hangars, Inc.,) Hon. Paul J. Baisley, J.S.C.
a/k/a Hampton Hangers, Inc., Thomas Bogdan,)
Joseph Dryer, Suse Lowenstien, Louise Sasso,)
and Lyden Restrepo)
)
Petitioners.) [PROPOSED] ORDER
) TO SHOW CAUSE
)
For a Judgment Under Article 78 of the CPLR)
)
-against-)
)
Town of East Hampton, New York,)
)
Respondent.)
)
)
-----)	

UPON reading the annexed Affidavit of Steven Tuma, dated May ___, 2022 and the exhibits annexed thereto, the accompanying Affirmation of Urgency in Support of Intervenor's Order to Show Cause, and upon all of the pleadings and proceedings heretofore and herein, and sufficient cause having been shown,

LET Intervenor, by its attorneys, show cause before this Court at IAS Part 36, of the Supreme Court of the State of New York, County of Suffolk, to be held at the Court, located at 1 Court Street, Riverhead, New York, Room _____ on May ___, 2022 at 10:00 o'clock a.m. or as soon thereafter as counsel may be heard, why an order should not be entered pursuant to Article 7082(d) of the Civil Practice Law and Rules permitting Sound Aircraft Services, Inc. to intervene in the within matter.

Sufficient cause appearing therefore, it is hereby

ORDERED that opposition papers, if any, are to be served upon Intervenor's counsel via e-filing on or before the ____ day of May, 2022; and it is further;

ORDERED that reply papers, if any, shall be served upon Petitioner and Respondent's counsel via e-filing on or before the ____ day of May, 2022; and it is further;

ORDERED that service of a copy of this order and the papers upon which it is based be made on or before the ____ day of May, 2022 by e-filing same, and that such service shall be deemed good and sufficient notice of this application; and

ORDERED that during the pendency of the within application that Sound Aircraft Service, Inc. receive timely notice by service on its respective counsel of all proceedings in the within matter.

Hon. Paul J. Baisley, Jr.



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602799/2022

East End Hangars, Inc. et al v. Town of East Hampton, New York

Assigned Judge: Paul J Baisley

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355	AFFIRMATION/AFFIDAVIT OF SERVICE
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In the Matter of the Application of:) Index No. 602799/2022
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East End Hangars, Inc., Hampton Hangars, Inc.,) Hon. Paul J. Baisley, J.S.C.
a/k/a Hampton Hangers, Inc., Thomas Bogdan,)
Joseph Dryer, Suse Lowenstien, Louise Sasso,)
and Lyden Restrepo)
)
Petitioners.)
)
For a Judgment Under Article 78 of the CPLR)
)
-against-)
)
Town of East Hampton, New York,)
)
Respondent.)
)
-----)	

**AFFIRMATION OF URGENCY IN SUPPORT OF INTERVENOR'S ORDER TO SHOW
CAUSE**

ALISON L. SQUICCIMARRO, an attorney duly admitted to practice law in the courts of this state, hereby affirms under the penalty of perjury, pursuant to CPLR 2106, that the following is true and correct:

1. I am associated with the Law Offices of Paul A. Lange, LLC, with offices located at 445 Park Ave., 9th Floor, New York, NY 10022-8632, and am duly licensed to practice law in the State of New York. My firm represents Sound Aircraft Services, Inc. (“Sound”).
2. I submit this affirmation in support of Intervenor’s application by order to show cause for intervention in the within matter.
3. I am fully familiar with the facts and circumstances of this case. The following statements are based on my personal knowledge, that of the attorneys in my firm, and information provided by my clients based on their personal knowledge.
4. Pursuant to CPLR 7802(d), proposed intervenor Sound respectfully seeks and Order permitting it to intervene in this matter, receive notice and to be heard as appropriate.

Legal Standard

5. CPLR §7802(d) is the specific provision governing intervention in CPLR article 78 proceedings. Elinor Homes Co. v. St. Lawrence, 113 A.D.2d 25, 494 N.Y.S. 2d 889 (2d Dept., 1985).
6. CPLR §7802(d) provides: “Other interested persons. The court may direct that notice of the proceeding be given to any person. It may allow other interested persons to intervene.”
7. CPLR §7802(d) “grants the court broader power to allow intervention in an article 78 proceeding than is provided pursuant to either CPLR 1012 or 1013 in an action.” Elinor Homes Co. v. St. Lawrence, 113 A.D.2d at 28.

8. “The court has discretion to allow intervention in a CPLR article 78 proceeding at any time, provided the movant is an interested person.” Elinor Homes Co. v. St. Lawrence, 113 A.D.2d at 28 (citing Siegel, NY Prac §564 (1978)).

Factual Allegations

9. As detailed more fully in the accompanying Affidavit of Steve Tuma simultaneously served and filed (“Tuma Aff.”), Sound is a long-standing tenant at East Hampton Airport (the “Airport”) and has operated as a Fixed Based Operator (“FBO”) for over thirty (30) years. Tuma Aff, ¶1.
10. Sound is the sole provider of aviation services to aircraft at the Airport. Id. ¶4, Sound is entirely reliant on an operational airport for the very existence of its business. Id., ¶6. There are no other airports from which Sound operates. Id., ¶5.
11. An extended closure of the Airport for the duration of these proceedings would, at a minimum, significantly harm Sound’s business. Id., ¶12. A permanent closure of the Airport by the Town would most definitely be fatal. Id., ¶12.
12. This Court’s Monday, May 17, 2022 Temporary Restraining Orders in the three related matters substantially impact Sound. Id., ¶14. The nighttime May 17, 2022, letter from the Federal Aviation Administration (“FAA”) to Respondent Town of East Hampton (“Town”) (“FAA Letter”) further impacts Sound for a variety of articulated safety reasons. The Town’s May 18, 2022 Emergency Motion to Vacate or Modify TRO further frames the impacts of this Court’s Orders, and especially the implementation of those Orders, following issuance of the FAA’s letter. Id., ¶16-18.
13. The Court’s Orders, the FAA Letter and future actions of this Court have the potential for significant impacts upon Sound including, but not limited to, what type of operations

should be expected at the Airport and ensuring that Sound has the personnel and resources to provide services for the operations that are anticipated at the Airport.

Argument


14. As detailed herein and in the accompanying Tuma Aff., Sound is an interested party. What occurs at the Airport has very real and substantial consequences on Sound. In particular, Sound must be ready and able to provide the required services at the Airport pursuant to its lease with the Town. Being ready and able to provide the services, means that Sound must have the equipment, resources and personnel to provide the required services.
15. The uncertainty and confusion regarding the status of the Airport and operations anticipated at the Airport create substantial difficulties for Sound in planning for the equipment, resources and personnel.
16. The foregoing demonstrates that Sound is an interested party who should receive notice of the proceedings and have an opportunity to be heard if its interests are implicated.
17. Allowing Sound to intervene in the above captioned matter will not delay proceedings and no party could claim prejudice for allowing Sound to receive notice and be heard on matters relating to the continued viability of its business.
18. As this matter is rapidly developing with orders to show cause being presented almost daily on a variety of issues, Sound respectfully requests that this matter be addressed urgently.

Conclusion

19. For each the foregoing reasons and those set forth in the accompanying Tuma Aff, Sound respectfully requests that the Court grant the instant application and allow Sound to intervene in the above captioned matter, receive notice going forward and have an

opportunity to be heard regarding matters that directly impact Sound's continued viability as the sole provider of FBO services at the Airport.

Dated: May 19, 2022


Alison L. Squicciarro



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East End Hangars, Inc. et al v. Town of East Hampton, New York

Assigned Judge: Paul J Baisley

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

In the Matter of the Application of:

Index No. 602799/2022

East End Hangars, Inc., Hampton Hangars, Inc.,
a/k/a Hampton Hangers, Inc., Thomas Bogdan,
Joseph Dryer, Suse Lowenstien, Louise Sasso,
and Lyden Restrepo

Hon. Paul J. Baisley, J.S.C.

Petitioners.

For a Judgment Under Article 78 of the CPLR

-against-

Town of East Hampton, New York,

Respondent.

**AFFIDAVIT OF STEVE TUMA IN SUPPORT OF APPLICATION FOR
INTERVENTION OF SOUND AIRCRAFT SERVICES, INC. IN THE ABOVE
CAPTIONED MATTER**

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

STEVE TUMA, being duly sworn, deposes and says:

1. I am the President and Chief Executive Officer of Sound Aircraft Services Inc. (“Sound”). Sound started operations at East Hampton Airport (the “Airport”) in July of 1990 and expanded to offer fixed-based-operator (“FBO”) services on or about 1995.
2. I make this Affidavit in support of Sound’s application to intervene in the above captioned matter so that it will receive notice of and have an opportunity to be heard at future proceedings in this matter.
3. I am a lifelong resident of the Town of East Hampton (the “Town”).
4. Sound is currently a tenant at the Airport and has a Lease and Operating Agreement with the Town. Sound is the sole provider of these services at the Airport.
5. Sound does not operate at any other airport.
6. Sound’s continued existence is dependent on an operational Airport.
7. The Lease and Operating Agreement with the Town requires that Sound provide fuel, line service, and passenger handling services (“required services”) at the Airport.
8. The equipment, resources and personnel required for Sound to provide the required services varies by the anticipated operations and demands at the Airport. Simply stated, changes in the number of operations at the Airport dramatically impact the demands placed on Sound in terms of having the equipment, resources, and personnel to meet the demands of increased operations. Likewise, a significant reduction or elimination of operations at the Airport will impact Sound because it will not have the revenue to support the equipment, resources and personnel on hand. Depending on the significance of the change in demands, time may be required to adjust to meet the needs of the Airport and remain compliant with the terms of the Lease.

9. Presently, Sound and I support the Town's efforts to close the Airport temporarily for thirty-three (33) hours and reopen as JPX a private use airport where the Town can implement a Private Permission Required system for operations.
10. The Town has convinced me that it is sincere in its actions and that its efforts to implement a Private Permission Required system for operations will lead to a sustainable solution whereby the Airport will continue to operate and be able to sustain itself for years to come.
11. The Town has previously made clear that if it is unable to find a sustainable solution it will close the Airport.
12. Should the Airport close permanently or for an extended period of time it will directly and substantially impact Sound's business and its continuing viability.
13. Based on the Town's plans, I have engaged in extensive business planning to ensure the continued compliance with my Lease and Operating Agreement with the Town and to keep my business viable through this transition.
14. The Temporary Restraining Order issued by this Court earlier this week has led to confusion and uncertainty and placed strain on Sound's efforts to ensure the resources to meet the needs of the Airport.
15. In addition to managing the quickly changing requirements and demands, over the last three (3) days Sound has been forced to deal with an onslaught of calls from its customers seeking clarity on whether they can safely and legally operate from the Airport.
16. In direct response to the Temporary Restraining Orders, on May 17, 2022, the Federal Aviation Administration ("FAA") wrote a letter to the Town ("FAA May 17, 2022 Letter"). A true and accurate copy of the FAA May 17, 2022 Letter is annexed hereto as Attachment 1.
17. The FAA May 17, 2022 Letter states "... the paramount concern of the FAA is assuring aviation safety, including during the process of the activation or deactivation of an airport pursuant to 14 CFR part 157. The deactivation of East Hampton airport is a process that cannot

be quickly, and more importantly safely stopped, or undone, by the FAA, as certain steps have already been taken...". *See* FAA May 17, 2022 Letter at paragraph 2.


18. The FAA May 17, 2022 Letter further states "As a result of the actions already taken and processes in place, the FAA has significant concern that the Court and the parties have introduced a major safety issue into this complex airspace system." *See* FAA May 17, 2022 Letter at paragraph 8.

19. Sound has an interest in the above captioned matter to the extent that it implicates the future of the Airport, Sound's leasehold interest, and the future operation of Sound's business.

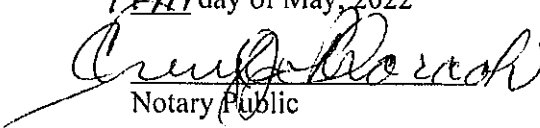
20. Sound's interest differs from the Town's interests because Sound has a leasehold interest and is a private business dependent on the continuing operation of the premises as an Airport.

21. Sound's interest differs from Petitioners in that Sound is the sole operating FBO at the Airport and is responsible for providing all services to aircraft at the Airport.

22. For the foregoing reasons, I respectfully request that Sound be permitted to intervene in the within matter such that it will receive notice of future proceedings and have an opportunity to be heard on such matters as they relate to Sound's ongoing business at the Airport.


STEVE TUMA

Sworn before me this
17th day of May, 2022


Notary Public

Cheryl J. Pharaoh
Notary Public-State of New York
No. 01PH6181999
Qualified in Suffolk County
My Commission Expires Feb. 11, 2024



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Petitioners.)
)
For a Judgment Under Article 78 of the CPLR)
)
-against-)
)
Town of East Hampton, New York,)
)
Respondent.)
)
-----)	

AFFIRMATION OF SERVICE

Alison L. Squicciarro, an attorney duly admitted to practice before the courts of the State of New York, states the following under penalty of perjury:

1. I am associated with the Law Offices of Paul A. Lange, LLC, counsel to Sound Aircraft Services, Inc.;
2. that on the 19th day of May, 2022, I served the within **ORDER TO SHOW CAUSE, AFFIRMATION OF URGENCY IN SUPPORT OF INTERVENOR'S ORDER TO SHOW CAUSE, AND AFFIDAVIT OF STEVE TUMA IN SUPPORT OF APPLICATION FOR INTERVENTION OF SOUND AIRCRAFT SERVICES, INC. IN THE ABOVE CAPTIONED MATTER** by emailing a true and accurate copy to:

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Brianna Walsh, Esq.
Danielle Stefanucci, Esq.
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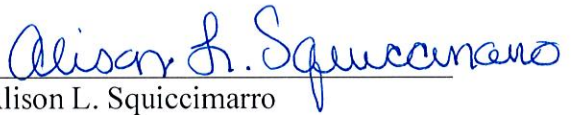
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Nicholas Rigano, Esq.
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3. I am over the age of 18 and not a party to this action.


Alison L. Squicciarro



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Suffolk County Supreme Court

602799/2022

East End Hangars, Inc. et al v. Town of East Hampton, New York

Assigned Judge: Paul J Baisley

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